



The National Trust for Scotland

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Dear Mr Brockie

DRAFT INTERIM PLANNING POLICY ON VEHICLE HILL-TRACKS

Thank you for consulting the National Trust for Scotland over your draft planning policy on vehicle hill tracks. The Trust considers such tracks to be one of the most significant detractors from wild land quality in Scotland. It therefore considers the draft policy to be disappointingly complacent in its approach to this subject, as it gives the general impression that the development of new hill tracks will be accepted as inevitable, and concentrates on mitigating their impacts rather than discouraging them in the first place. The Trust also has a number of serious misgivings about the detailed content of the draft policy.

Hill Tracks on Mar Lodge Estate

The Trust has developed a wide range of experience of removing hill tracks from its Mar Lodge Estate, both on low ground and on hill land up to a maximum height of 900 metres on Beinn a'Bhuird. Over the last ten years the Trust has removed around 25 km out of a total of 72 km of hill tracks on the Estate. Where a track has been removed it has either been restored to a path or removed completely. The following comments are based on this approach and experience, which the Trust is keen to promote both to the National Park Authority (NPA) and to other land managers in the National Park (NP) and elsewhere.

NTS Wild Land Policy

I enclose a copy of the Trust's Wild Land Policy, which sets out its understanding of wild land and forms the basis for the Trust to promote its conservation and enhancement.

National Policy Guidance

It is surprising that there is no reference in the draft policy to National Planning Policy Guideline 14 Natural Heritage, which is more relevant to this subject than NPPG 17. In paragraphs 69 and 71 of NPPG 14, for example, there is clear reference to the need to take account of any areas of importance for their wild land character. However, your draft policy fails adequately to indicate the potential of hill tracks to damage wild land quality, making only passing reference to 'hitherto wild areas'. The Cairngorms are one of the most important areas of wild land in Scotland, and this should be clearly spelt out in the policy. Scottish Natural Heritage has also produced a policy statement on Wildness in Scotland's Countryside, which sets out the importance of wild land and which could usefully inform your own policy.

English and Welsh National Park Policies

It is a useful exercise to examine the existing policies of other NPs, but it is not relevant to include this information in the final policy, so Appendix 2 should be deleted.

The Planning Context

Paragraph 79 of NPPG 14 advocates the withdrawal of permitted development (PD) rights in designated areas as a means of preventing damage to the natural heritage. Your policy should embrace this approach for the NP; for example the NPA should advocate Article 4 direction or directions to extend the withdrawal of PD rights for vehicle tracks outwith the NSAs to cover the entire NP. This would enable a consistent quality of approach to be promoted across the NP by ensuring that all such tracks in the NP would require planning permission.

Suggested Policy

The Trust disagrees with the proposed policy statement at 6(b), and instead urges that there should be a clear presumption, without exception, against new hill tracks anywhere in the NP. The combination of this and the withdrawal of PD rights would mean that anyone wishing to construct a new track would have to apply for planning permission against that general policy background. The NPA should also gradually review all existing hill tracks and promote the removal of redundant ones.

Vehicle Hill-Track Developments

The Trust disagrees with the unsubstantiated assertion that ‘it is in the very nature of ... estates that vehicular access tracks will be required up hillsides for operational and maintenance purposes’. There are many estates in Scotland, including some managed by the Trust, with few or no such tracks. This statement should therefore be deleted.

Sources of Material

The extraction of material for track construction often generates landscape scars in itself, so sources of material should be identified and permission sought for the extraction of such materials.

Restoration

It should be a condition of planning permission that a track should be removed after a specified time period or when it is no longer required, whichever is the earlier.

Policy VHT1

The policy should include reference to the importance of protecting and enhancing wild land quality.

Landscape and Environmental Issue Checklist

This checklist should include an assessment of the effect of any proposed development upon wild land quality.

Good Practice

The guidance contained in Appendix b) gives the unfortunate impression that good design and construction can overcome concerns about tracks in wild land, which is not the case. It would be more appropriate to include a cross-reference to the project currently being undertaken by SNH on best practice regarding hill tracks, rather than to include such detailed guidance within this policy. Each track should be taken on its own merits and will require individual consideration rather than a general solution.

Zoning

It might be useful in relation to this issue, as for several others, to consider zoning the NP in the forthcoming NP Plan, with a core zone or zones where wildness is one of the over-riding attributes, where planning control will be most stringently applied, where new hill tracks will not be permitted under any circumstances and where track removal will be targeted.

General

The Policy is poorly drafted in several places, for example mixing up public policy content with the type of background information more suited to an internal covering paper.

Please do not hesitate to contact either Alister Clunas, Property Manager at Mar Lodge Estate or myself if you feel that we could provide any further information or assistance.

Yours sincerely

John Mayhew
Head of Policy and Planning



The National Trust for Scotland

The National Trust for Scotland is the conservation charity which protects and promotes Scotland's natural and cultural heritage for present and future generations to enjoy.

The Trust's statutory purposes, as laid down in its Acts of Parliament, can be paraphrased as:

- To ensure the permanent conservation, through ownership or other means, of nationally important land, buildings and collections
- To enable people to visit and enjoy the Trust's properties, to see and experience them in ways which are consistent with their conservation
- To influence and persuade others by example to share and support the Trust's aims and work

The Trust is Scotland's largest voluntary conservation organisation, with some 266,000 members and 490 permanent staff. It owns or manages 128 properties, including almost 76,000 hectares of countryside. The Trust cares on behalf of the nation for a great diversity of properties, including mountains, coastlines, islands, woodlands, battlefields and historic sites, gardens, castles, mansions and cottages. Those properties where numbers are recorded welcome around 1.5 million visitors each year, and hundreds of thousands more visit its countryside properties unrecorded.